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CHARD W. HILAND
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

08-3285 PJH
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John Good T-82633
Salinas Valley State Prison
E-1-88
P.O. Box 1050
Soledad, CA 93960

CV08-03285 PJH

**ORIGINAL
FILED**

JUL 24 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JOHN CLARK GOOD,

Plaintiff,

No. C 08-3285 PJH (PR)

v.

**ORDER TO OPEN NEW
CASE**

Correctional Officer BORROSO; RN
MIKE BARKER; MD ROBERT
BOWMAN; and CALIFORNIA
DEPARTMENT OF CORRECTIONS,

Defendants.

This is a civil rights case filed pro se by a former prisoner at Salinas Valley State Prison in Soledad. He is now on parole.

The case was filed on July 8, 2008. That day the clerk sent plaintiff a notice that his application to proceed in forma pauperis ("IFP") was deficient because he had not included a certificate of funds nor a printout of transactions in his prisoner account.

On July 9, 2008, a number of envelopes were received from plaintiff. One contained the missing IFP materials. The others contained two motions for appointment of counsel and a batch of documents. The documents include medical records, which seem intended for this case as plaintiff's claim here is a medical claim, but also a Northern District prisoner complaint form. The form is an original and lists defendants as "California Department of Corrections; Head Librarian; and Sergeant Gonzales," in contrast to the defendants in this case who are as listed in the caption. This complaint originally did not carry the case number of this case, although someone has written it in. The substance of the complaint is that plaintiff is not being allowed access to legal materials. The complaint is dated July 7, 2008. Also among the documents are a motion for appointment of counsel, an IFP

1 affidavit, a filled-out summons, a completed form application for IFP status dated July 6,
2 2008, and a notice of change of address dated July 5, 2008. All these carry the "head
3 librarian" caption, not the caption of this case.

4 The court concludes that the documents carrying the "head librarian" caption were
5 intended to start a new case. The clerk shall open a new case and docket them in it, with a
6 date of filing of July 9, 2008, and shall retain an electronic copy in the docket for this case
7 for purposes of making a record. Once the new case has been given a case number, to
8 avoid confusion plaintiff shall take care to include the appropriate case number on all his
9 filings. Both this case and the new one will be screened, as required by 28 U.S.C. §
10 1915A(a), in separate orders.

11 **IT IS SO ORDERED.**

12 Dated: July 24, 2008.



PHYLLIS J. HAMILTON
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOHN GOOD,

Plaintiff,

v.

C/O BORROSO et al,

Defendant.

Case Number: CV08-03285 PJH

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 24, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

John Good T-82633
Salinas Valley State Prison
E-1-88
P.O. Box 1050
Soledad, CA 93960

Dated: July 24, 2008



Richard W. Wieking, Clerk
By: Nichole Heuerman, Deputy Clerk